

BOARD OF APPEALS CASE NO. 4812

*

BEFORE THE

APPLICANTS: David & Lisa Gerber

*

ZONING HEARING EXAMINER

REQUEST: Variance to enclose an existing deck within the required rear yard setback; 200 Kensington Parkway; Abingdon

*

OF HARFORD COUNTY

*

Hearing Advertised

*

Aegis: 4/8/98 & 4/15/98

HEARING DATE: May 27, 1998

*

Record: 4/10/98 & 4/17/98

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicants, David & Lisa Gerber, appeared before the Hearing Examiner requesting a variance to Ordinance 6, Section 10.05, to enclose an existing deck within the required 40 foot rear yard setback in an R3/CDP District.

The subject parcel is located at 200 Kensington Parkway in the First Election District. The parcel is identified as Parcel No. 623 in Grid 1-F, on Tax Map 61. The parcel contains .2 acres, more or less, all of which is zoned R3/CDP.

Mrs. Lisa Gerber appeared and testified that the subject parcel is improved by a single-family dwelling, occupied by the Applicants and their family, and the dwelling has a 15 foot by 20 foot deck, which they would like to enclose. Mrs. Gerber said that she is proposing a 28 foot rear yard setback and that the subject parcel is unique because it is a corner lot and, therefore, must comply with 2 front yard setbacks, reducing the usable area on the parcel.

Mrs. Gerber said that she has discussed the proposal with her neighbors, who she indicates are supportive of the request.

The Staff Report of the Department of Planning and Zoning provides:

“The subject property is a corner lot with two front yard setbacks. The lot shape is not a true rectangle; however, it increases in width as it goes back from the house.”

Case No. 4812 - David & Lisa Gerber

CONCLUSION:

The Applicants are requesting a variance to Section 10.05 of Ordinance 6, to enclose an existing deck located within the required 40 foot rear yard setback. The Applicants are proposing a 28 foot rear yard setback and are, therefore, requesting a 12 foot area variance in an R3, Urban Residential District, which is in a Community Development Project District.

The uncontradicted testimony of the Applicant is that the subject parcel is unique because it is a corner lot, which requires the Applicant to comply with 2 front yard setbacks, thereby reducing the usable area on the parcel. The evidence also indicates that the Applicants have discussed the proposed variance with their neighbors, who are supportive of the request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the proposed enclosure and the existing deck and fence.
2. The setbacks, as proposed, shall not be further reduced.

Date JUNE 24, 1998

L. A. Hinderhofer
Zoning Hearing Examiner